101ST CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
100-58

AMERICAN BATTLE MONUMENTS COMMISSION AND NATIONAL CEMETERY SYSTEM AMENDMENTS

MAY 18, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MONTGOMERY, from the Committee on Veterans' Affairs, submitted the following

REPORT

[To accompany H.R. 1414]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1414) to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission, having considered the same, reports favorably thereon with amendments, by unanimous voice vote, and recommends that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follow:

Page 2, after line 2, insert the following:

SEC. 2. GRAVE LINERS.

Subsection (e) of section 906 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary of Veterans Affairs shall provide a grave liner for each grave in a cemetery within the National Cemetery System if the cemetery—

"(A) was established on or after January 1, 1987; or

"(B) had over 200 interments during the year preceding the year in which the grave liner is to be provided.".

SEC. 3. OPERATION OF CERTAIN CEMETERY.

The Secretary of Veterans Affairs shall enter into a contract with the State of Michigan, or the appropriate State agency thereof, under which the secretary shall, beginning not later than July

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1, 1990, operate and maintain the cemetery located in Mackinac Island State Park, Michigan, in accordance with standards applicable to cemeteries in the National Cemetery System.

Amend the title so as to read: "An Act to provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission, and for other purposes.".

Introduction

Under current law, only commissioned officers of the Armed Forces of the United States may be appointed as members to the American Battle Monuments Commission (ABMC).

On May 26, 1988, the Subcommittee on Housing and Memorial Affairs held an oversight hearing on the National Cemetery System. At that time representatives from the Non-Commissioned Officers Association of the United States of America recommended that the public law designating the composition of the American Battle Monuments Commission be amended to allow for the appointment of enlisted members of the Armed Forces.

Subsequently, H.R. 1414 was introduced on March 15, 1989 by the Honorable Harley O. Staggers, Jr. Hearings were held by the Subcommittee on Housing and Memorial Affairs on April 13, 1989. Testimony was received from the American Battle Monuments Commission, the Department of Veterans Affairs, the Superintendent of Arlington National Cemetery, the Non-Commissioned Officers Association, the Disabled American Veterans, The American Legion, the Paralyzed Veterans of America, the Veterans of Foreign Wars, the American Cemetery Association and the National Concrete Burial Vault Association. The Subcommittee met on May 11, 1989 and unanimously recommended H.R. 1414 with amendments to the full committee. On May 17, 1989 the full committee unanimously approved H.R. 1414 as amended and ordered the bill reported.

Background and Discussion of the Bill

American Battle Monuments Commission

The principal functions of the American Battle Monuments Commission are to commemorate the sacrifices and achievements of the American Armed Forces since April 6, 1917, through the erection of suitable memorial shrines; to design, construct, operate and maintain permanent American military burial grounds in foreign countries; to control the design and construction of U.S. military monuments and markers in foreign countries by U.S. citizens and organizations both public and private; and to encourage the maintenance of such monuments and markers by their sponsors. In performing these functions, the Commission administers, operates and maintains 24 permanent American military burial grounds, 14 separate monuments and 4 memorials in 12 countries around the world.

Prior to 1923, no Federal agency was responsible for commemorating the sacrifices and achievements of U. S. Armed Forces. After the allied victory in World War I, many American troop units erected monuments and markers to themselves where they had

served in Europe. These monuments and markers came in assorted sizes, shapes and descriptions. Too often, they bore little relationship to the achievements of the units, were poorly designed and constructed, were erected on land not owned by the units and were without provision for future maintenance.

When the decision was made by the War Department that a Federal agency should be responsible for honoring American Armed Forces where they served, legislation was enacted in 1923 creating the American Battle Monuments Commission. General John J. Pershing was appointed by President Harding to the newly formed Commission in 1923 and was elected Chairman by the other members. General George C. Marshall became Chairman in 1948, General Jacob L. Devers in 1969, General Mark W. Clark in 1967 and General Andrew J. Goodpaster, the present Chairman, in 1985.

The policymaking body of the Commission consists of 11 members who are appointed by the President for an indefinite term and serve without pay. They meet with the professional staff of the Commission once or twice annually. ABMC is staffed by 387 full-time civilian employees and six military officers who work for the Commission on a reimbursable basis by arrangement with the Department of Defense. Since its inception, service on the Commission has been limited by law to commissioned officers. Such restriction was not uncharacteristic for the times when the law was adopted in 1923 but since the enlisted serviceman and the noncommissioned and petty officer bear the brunt of the battle preceding the creation of every memorial, they should be represented on the Commission. Therefore, this measure would allow for such appointment.

GRADE LEVELS OF ABMC PERSONNEL

Over the past several years, the Committee has had occasion to review the performance of various directors of the American Battle Monuments Commission cemeteries. Commission employees represent the United States and important American values in the countries in which they are located. This is a valuable and very important aspect of the work performed by the ABMC, and one which tends to be ignored or deemphasized in determining the general schedule classification assigned to cemetery director positions. Several ABMC cemeteries record over one million visitors per year. In addition, the cemeteries are often visited by delegations which include distinguished, high-ranking officials from throughout the world, and the cemetery directors are often called upon to function as diplomatic hosts.

In light of the skill and knowledge which is entailed in accomplishing this very valuable representation of American interests by ABMC cemetery directors, the Committee believes that the responsibilities of some cemetery directors are greater than the grade level assigned to the position would indicate. Accordingly, the Committee strongly urges the Commission to undertake and expedite a review of the complexity and sensitivity of the work performed by directors of Commission sites located in foreign countries for the purpose of increasing the grade level of the positions in appropriate locations.

GRAVELINERS

Graveliners were first introduced in the National Cemetery System in 1975 on an experimental basis at 10 locations. The test proved so successful that use was gradually expanded to 30 of the 57 national cemeteries then open. In 1980, however, the administration forced the agency to cut back substantially on the use of graveliners.

Graveliners are rigid outer liners, typically made of concrete, which enclose the casket in order to prevent sinkage, and thus reduce overall maintenance costs. As the ground settles over a grave, sinkage occurs and maintenance efforts are required about 10 times over a 20-year period after an interment is made. In each case, the resulting depression must be filled in order to maintain an acceptable standard of cemetery appearance.

In July of 1987, the Subcommittee on Housing and Memorial Affairs heard testimony from a variety of witnesses on the potential for using graveliners to improve cemetery operations. It was reported that graveliners are required today in the vast majority of private and denominational cemeteries, a clear demonstration of their effectiveness in reducing costs and improving cemetery appearance. The American Cemetery Association commented that it was "inconceivable" that any modern cemetery operated without them.

Public Law 100-322, which became effective on May 20, 1988, authorized the Veterans Administration to use graveliners at all national cemeteries. Currently, seven cemeteries are using graveliners. These cemeteries are Calverton, New York; Riverside, California; Massachusetts National Cemetery; Florida National Cemetery; Houston, Texas; Fort Sam Houston, Texas; and Fort Snelling, Minnesota.

Graveliners are used by the Department of Veterans Affairs for four reasons: (1) to reduce maintenance requirements by preventing the ground from sinking over a collapsing casket; (2) to prevent headstones from sinking and tilting; (3) to reduce falls and accidents to employees and visitors when walking over uneven ground; and (4) to assure that cemetery appearance meets the high standard expected by the public.

A study conducted by consulting engineers at the request of the Veterans Administration outlined a methodology for determining at individual cemeteries whether graveliners are cost beneficial. The basic finding is that graveliners are cost effective at cemeteries with over 550 interments a year. Graveliners cost approximately $100 per unit. According to the study, the initial cost of graveliners in national cemeteries with over 550 interments a year is recovered in 5 to 7 years with $21 yearly savings per unit thereafter. The recovery period for cemeteries with under 550 interments a year is slightly longer.

The report deals only with cost savings and does not address any of the other advantages cited by the VA resulting from the use of graveliners. The Committee believes that preventing headstones from sinking and tilting, reducing falls and accidents due to uneven ground, and improved cemetery appearance has value. The Committee has been advised by the Veterans Administration that

mandating graveliners at cemeteries which have been open since 1987 or which have over 200 interments a year makes sense operationally in order to maintain high standards of appearance in our national cemetery system.

The Committee would expect the Secretary to also use graveliners at any other national cemetery where for reasons of cost effectiveness, appearance, severe weather, soil conditions or other operational considerations, it is appropriate to do so.

In light of rising workload and constrained resources, any savings which are generated should be retained within the National Cemetery System to maintain and improve the appearance of the cemeteries.

The following chart depicts the National Cemetery System ranking of cemeteries:

NATIONAL CEMETERY SYSTEM RANKING OF CEMETERIES BY FY 1988 TOTAL INTERMENTS

National Cemetery	FY 1987	FY 1988	Percent change
Calverton, NY	6,803	6,948	2.1
Riverside, CA	5,338	5,613	5.2
Ft. Snelling, MN	3,242	3,575	10.3
Jeff. Barracks, MO	2,906	2,999	3.2
Willamette, OR	2,636	2,775	5.3
Long Island, NY *	2,814	2,718	—3.4
Ft. Sam Houston, TX	2,258	2,429	7.6
Ft. Logan, CO	1,836	1,903	3.6
Houston, TX	1,467	1,608	9.6
Golden State, CA *	1,492	1,591	6.6
Massachusetts, MA	1,165	1,213	4.1
Ft. Rosecrans, CA *	1,171	1,209	3.2
Puerto Rico, PR	959	1,013	5.6
Wood, WI	944	948	0.4
Ft. Bliss, TX	921	930	1.0
Santa Fe, NM	880	919	4.4
NMCP, HI	875	905	3.4
Memphis, TN	785	821	4.6
Leavenworth, KS	800	792	—1.0
Indiantown Gap, PA	717	757	5.6
Barrancas, FL	608	697	14.6
Los Angeles, CA *	758	691	—8.8
Ft. Custer, MI	498	648	30.1
Quantico, VA	599	635	6.0
Bay Pines, FL *	1,115	595	—46.6
Chattanooga, TN	565	584	3.4
Dayton, OH	527	583	10.6
Nashville, TN	586	541	—7.7
Zachary Taylor, KY	449	511	13.8
Bushnell, FL	.....	457	.....
Hampton, VA	367	452	23.2
San Francisco, CA *	409	433	5.9
Rock Island, IL	395	431	9.1
Black Hills, ND	436	422	—3.2
Biloxi, MS	392	405	3.3
Little Rock, AR	405	402	—0.7
Beverly, NJ *	357	366	2.5
Camp Butler, IL	354	353	—0.3
Baltimore, MD *	337	325	—3.6
Eagle Point, OR	249	310	24.5
Springfield, MO	292	310	6.2
Ft. Gibson, OK	305	277	—9.2
Port Hudson, LA	203	219	7.9

NATIONAL CEMETERY SYSTEM RANKING OF CEMETERIES BY FY 1988 TOTAL INTERMENTS—Continued

National Cemetery	FY 1987	FY 1988	Percent change
Ft. Smith, AR	213	217	1.9
Beaufort, SC	184	214	16.3
Mountain Home, TN	181	209	15.5
Bath, NY	143	182	27.3
Salisbury, NC	160	181	13.1
Ft. Mitchell, AL	66	177	168.2
Ft. McPherson, NE	142	175	23.2
Camp Nelson, KY	206	172	—16.5
Raleigh, NC	170	169	—0.6
Danville, IL	106	163	53.8
Culpeper, VA	132	151	14.4
Knoxville, TN	122	151	23.8
Marion, IN	114	138	21.1
Alexandria, LA	139	136	—2.2
Florence, SC	117	136	16.2
Fayetteville, AR	106	119	12.3
New Bern, NC	145	116	—20.0
Ft. Richardson, AK	93	110	18.3
Ft. Scott, KS	67	96	43.3
Marietta, GA	109	92	—15.6
Keokuk, IA	59	80	35.6
Natchez, MS	71	71	.....
West Virginia, WV	5	70	1,300.0
Ft. Bayard, NM	71	62	—12.7
Ft. Lyon, CO	34	52	52.9
Mound City, IL	45	47	4.4
Mill Springs, KY	41	42	2.4
New Albany, IN	41	42	2.4
Wilmington, NC	86	40	—53.5
Woodlawn, NY	28	38	35.7
Lebanon, KY	25	29	16.0
Cypress Hills, NY	25	27	8.0
Corinth, MS	33	26	—21.2
Philadelphia, PA	24	20	—16.7
Richmond, VA	10	19	90.0
Sitka, AK	20	18	—10.0
Quincy, IL	11	13	18.2
St. Augustine, FL	16	11	—31.3
Baton Rouge, LA	9	10	11.1
Jefferson City, MO	5	9	80.0
Mobile, AL	11	8	—27.3
Prescott, AZ	10	8	—20.0
Winchester, VA	9	8	—11.1
City Point, VA	13	7	—46.2
Glendale, VA	5	7	40.0
Roseburg, OR	7	7	.....
Loudon Park, MD	5	6	20.0
Finn's Point, NJ	1	5	400.0
Alexandria, VA	1	4	300.0
Ft. Harrison, VA	4	3	—25.0
Annapolis, MD	3	2	—33.3
Danville, VA	3	2	—33.3
San Antonio, TX	1	2	100.0
Seven Pines, VA	2	2	.....
Alton, IL	.....	1	.....
Lexington, KY	.....	1	.....
Balls Buff, VA	.....	.....	.....
Cave Hills, KY	1	.....	—100.0
Cold Harbor, VA	.....	.....	.....
Crown Hill, IN	.....	.....	.....
Danville, KY	.....	.....	.....
Ft. Leavenworth, KS	.....	.....	.....

NATIONAL CEMETERY SYSTEM RANKING OF CEMETERIES BY FY 1988 TOTAL INTERMENTS—Continued

National Cemetery	FY 1987	FY 1988	Percent change
Ft. Meade, SD			
Grafton, WV			
Hampton (VAC), VA			
Hot Springs, SD			
Kerrville, TX			
Staunton, VA			
Togus, ME			
Totals:	53,665	56,216	4.8

* Closed cemeteries. Golden Gate, Ft. Rosecrans, Los Angeles, Bay Pines and San Francisco (Presidio) are largely cremations.

MACKINAC ISLAND, MICHIGAN

Ft. Mackinac was established as a U.S. military post in 1796. A small post cemetery was located there for burial of soldiers and family members. There are about 110 interments in the cemetery—70 unknown and 30 to 40 known. The first battle of the War of 1812 fought on U. S. soil took place at Ft. Mackinac, and 17 dead from that encounter are among those buried. There have been no interments since 1895.

Ft. Mackinac became the second national park (after Yellowstone) in 1875. It was turned over to the State of Michigan in 1895 and is now operated by the Mackinac Island State Park Commission.

Mackinac Island covers about 2,200 acres—1,850 of which belong to the state park. About one million people visit the island annually. The park is operated with a view towards historical and environmental preservation and towards educational and recreational opportunities for visitors, and the one-acre cemetery is operated as an integral part of the park experience.

Section 3 of the bill would require the Department of Veterans Affairs to enter into a contract with the State of Michigan to operate and maintain the veterans cemetery located in Mackinac Island State Park.

If an actual transfer were to occur, the Committee envisions that the post cemetery would be incorporated into the National Cemetery System as a soldiers' lot or similar entity. In any event, it should be operated and maintained in accordance with policies, standards and procedures of the National Cemetery System. The Department of Veterans Affairs would typically contract out for maintenance of a small, closed burial ground like this. At Mackinac, a maintenance agreement could possibly be worked out with the park itself.

According to Mr. David L. Pamperin, Director of the Mackinac Island State Park Commission, operating costs are estimated to be $8,000 to $10,000 annually. Another $25,000 would be required for one-time restoration projects.

OVERSIGHT FINDINGS

No oversight findings have been submitted to the Committee by the Committee on Government Operations.

BUDGET STATEMENT

The following letter was received from the Congressional Budget Office concerning the cost of the reported bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 17, 1989.

Hon. G.V. (Sonny) Montgomery, *Chairman,*
Committee on Veterans' Affairs,
U.S. House of Representatives
Washington, D.C. 20515

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1414, a bill provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission, and for other purposes, as ordered reported by the Committee on Veterans Affairs, May 17, 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

cc: Hon. Bob Stump
Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1414.
2. Bill title: None.
3. Bill status: As ordered reported by the House Committee on Veterans Affairs, May 17, 1989.
4. Bill purpose: To provide for the appointment of enlisted members of the Armed Forces to the American Battle Monuments Commission, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Budget Authority	3	3	3	3	4
Outlays	3	3	3	3	4

The cost of this bill would fall in budget function 700.

Basis of Estimate

SECTION 1. This section would provide for the appointment of enlisted servicemembers to the staff of the American Battle Monuments Commission (ABMC).

Since this provision would not affect total staff levels at the ABMC, it should not significantly affect government spending.

SECTION 2. This section would require the Department of Veterans Affairs (VA) to provide a grave liner for each grave in a VA cemetery if the cemetery was established on or after January 1, 1987, or had over 200 interments in the preceding year.

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Budget authority	3	3	3	3	4
Outlays	3	3	3	3	4

According to VA data, there were approximately 28,040 interments in 1988 in cemeteries with more than 200 burials. This number excludes burials in nine VA cemeteries that routinely use grave liners now. In 1988, the installed cost of a grave liner varied from $80 to $97. This estimate assumes that the number of interments for which grave liners would be provided would increase at an annual rate of 2.5 percent. The cost of grave liners was assumed to increase with the GNP deflator.

SECTION 3. This section would require the VA to take over from the State of Michigan the operation of a military cemetery located in Mackinac Island State Park. The VA would operate and maintain the cemetery as part of the National Cemetery System.

There have been no interments in the Fort Mackinac cemetery since 1895 and no new interments are anticipated. The VA has estimated that incorporation of this cemetery in the National Cemetery System would entail a one-time renovation cost of $25,000 and an annual operating cost of $8,000 to $10,000.

6. Estimated cost to State and local governments: The Congressional Budget Office has determined that the budgets of State and local governments would not be significantly affected by enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: K.W. Shepherd (226–2820).

10. Estimate approved by:

C.G. NUCKOLS,
(FOR) JAMES L. BLUM,
Assistant Director for Budget Analysis.

AGENCY REPORT

On April 10, 1989, the Committee received the following letter from the American Battle Monuments Commission on H.R. 1414.

THE AMERICAN BATTLE MONUMENTS COMMISSION,
Washington, D.C., April 10, 1989.

Hon. G.V. (Sonny) Montgomery, *Chairman,*
House of Representatives,
Committee on Veterans Affairs,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of April 4, 1989, and the opportunity to give you our views on H.R. 1414 which would enable the appointment of enlisted members of the Armed Forces as well as commissioned officers to the American Battle Monuments Commission.

The Commission has no objection to the amendment to 36 U.S.C. 121 contained in H.R. 1414. No additional costs will be entailed to the Commission as the result of enactment of the proposed legislation.

The office of Management and Budget has advised that it has no objection to the presentation of this report to the Congress from the standpoint of the Administration's programs.

Sincerely,

A.J. ADAMS,
MAJOR GENERAL, USA,
Secretary.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill. H.R. 1414, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF MARCH 4, 1923

CHAP. 283.—An Act For the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission, known as the American Battle Monuments Commission (hereinafter referred to as the Commission), shall consist of not more than eleven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur. Notwithstanding any other provision of law, [commissioned officers] *members* of the armed forces of the United States may be appointed members of the Commission.

SECTION 906 OF TITLE 38, UNITED STATES CODE

PART II—GENERAL BENEFITS

CHAPTER 23—BURIAL BENEFITS

§ 906. Headstones, markers, and grave liners

(a) * * *

(e)(1) The Administrator may provide a grave liner for any grave in a cemetery within the National Cemetery System in which remains are interred in a casket. The Secretary of the Army may provide a grave liner for such a grave in the Arlington National Cemetery.

(2) The use of grave liners in a cemetery within the National Cemetery System or in the Arlington National Cemetery shall be in accordance with specifications and procedures approved by the Administrator or the Secretary, respectively.

(3) The Secretary of Veterans Affairs shall provide a grave liner for each grave in a cemetery within the National Cemetery System if the cemetery—

(A) was established on or after January 1, 1987; or

(B) had over 200 interments during the year preceding the year in which the grave liner is to be provided.

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